

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 155

# **SENATE BILL 1139**

AN ACT

AMENDING SECTION 23-1412, ARIZONA REVISED STATUTES; RELATING TO  
ORGANIZATIONAL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1412, Arizona Revised Statutes, is amended to  
3 read:

4 23-1412. Department of public safety; employee organizations;  
5 terms and conditions of employment; definition

6 A. The department of public safety is recognized as the sole and  
7 exclusive authority pursuant to law with respect to determining the level of  
8 and the manner in which the department of public safety activities are  
9 conducted, managed and administered. It is the exclusive right of the  
10 director of the department of public safety to establish and maintain  
11 departmental rules and procedures for the administration of the department of  
12 public safety.

13 B. Department employees or employee organizations shall not engage in  
14 a sickout, work slowdown or strike or any other action that will disrupt the  
15 delivery of services.

16 C. This section shall not be construed to:

17 1. Affect or limit the existing right of the department of public  
18 safety to:

19 (a) Direct the work of department employees.

20 (b) Hire, promote, demote, transfer, assign and retrain department  
21 employees.

22 (c) Suspend, discharge or discipline department employees.

23 (d) Maintain the efficiency of governmental operations.

24 (e) Relieve department employees from job responsibilities due to lack  
25 of work or other legitimate reasons.

26 2. Invalidate or limit other rights, remedies or procedures of this  
27 state relating to any issue of employment of department employees.

28 D. The department of public safety shall:

29 1. Allow department employees the right to form and join employee  
30 organizations.

31 2. Recognize an employee organization that is elected by a majority of  
32 ~~the department employees~~ VOTES THAT ARE CAST BY DEPARTMENT EMPLOYEES IN A  
33 REPRESENTATION ELECTION OF WHICH A MAJORITY OF ELIGIBLE EMPLOYEES PARTICIPATE  
34 IN THAT ELECTION.

35 3. Agree to meet and confer with the elected employee organization  
36 regarding hours and terms and conditions of employment. The terms and  
37 conditions discussed pursuant to this paragraph shall not include wages.

38 4. Commit any agreements regarding working conditions and hours to  
39 writing in a contract.

40 E. The elected employee organization and department of public safety  
41 shall meet and confer on a regular basis, at least once every two years, to  
42 discuss hours of employment and other conditions of employment of department  
43 employees. On the request of the employee organization, the department of  
44 public safety shall meet and confer with the employee organization in good  
45 faith at reasonable times. If the department of public safety and the

1 employee organization reach an agreement, the agreement shall be submitted to  
2 the governor for consideration pursuant to subsection G of ~~this section~~.

3 F. If an agreement is not reached and the possibility of settlement is  
4 remote after the parties meet and confer for a reasonable period of time, the  
5 department of public safety or the employee organization may offer to the  
6 other party a written request to begin a mediation process. The mediation  
7 process shall be voluntary and nonbinding. The mediation process shall use a  
8 neutral third party mediator to assist the parties in reaching a voluntary  
9 agreement. During the mediation process, each party shall agree to make a  
10 good faith attempt to resolve the issues, to cooperate with the mediator and  
11 to be open, candid and complete. The mediator shall only facilitate the meet  
12 and confer process and shall not impose any term of the agreement on the  
13 parties. If the parties reach an agreement during the mediation process, the  
14 agreement shall be submitted to the governor for consideration pursuant to  
15 subsection G of ~~this section~~. If the mediation process does not resolve all  
16 disputed issues between the parties, either party may advise the governor of  
17 the issues that remain in dispute.

18 G. The governor shall review any agreement or proposed compromise that  
19 is reached under this section. The governor may reject, accept or modify any  
20 agreement or compromise after considering the interests of the department  
21 employees and the public interest. Any agreement or compromise is subject to  
22 all applicable statutory limitations for the department of public  
23 safety. The final decision by the governor shall be binding.

24 H. The department of public safety shall record the proceedings of  
25 each meeting with an employee organization.

26 I. The department of public safety may adopt policies to govern the  
27 process established pursuant to this section.

28 J. For the purposes of this section, "employee organization" means any  
29 organization of any kind, or any agency or employee representation committee  
30 or plan, in which employees participate and which exists for the purpose, in  
31 whole or in part, of dealing with employers concerning grievances, labor  
32 disputes, training, hours of employment or other conditions of employment.

**APPROVED BY THE GOVERNOR APRIL 17, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.**